# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/005,641 | 12/05/2001 | Dale Malik | 36968/259823 | 8241 |

7590          11/15/2005

Jeffrey R. Kuester, Esq
THOMAS KAYDEN HORSTEMEYER & RISLEY LLP
100 Galleria Parkway
Suite 1750
Atlanta, GA  30339-5948

| EXAMINER |
|---|
| DERWICH, KRISTIN M |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2132 | |

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | Application No. | Applicant(s) |
| --- | --- | --- |
| **Office Action Summary** | 10/005,641 | MALIK ET AL. |
| | Examiner | Art Unit | |
| | Kristin Derwich | 2132 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *18 August 2005*.

2a)☒ This action is **FINAL**.     2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-27* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05 December 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some *　c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

## DETAILED ACTION

### *Response to Amendment*

1.     This is in response to amendments filed August 18, 2005.

### *Claim Rejections - 35 USC § 112*

2.     Amendments made to claims 4, 13-14 and 16 in order to cure the prior

informalities are accepted.  Therefore, the prior rejection is withdrawn.

### *Response to Arguments*

3.     Applicant's arguments with respect to claims 1-27 have been considered but are

moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.     Claims  rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al.,

U.S. Patent Number 6,442,588 (Clark) and further in view of Donaldson, U.S. Patent

Number 6,321,267.

Regarding claims 1, 3, and 19, Clark et al. disclose a method of blocking

unsolicited email transmitted to a mail server at an ISP from a remote server,

comprising:

receiving a user identification and password associated with a roaming customer

(see column 5, lines 53-63; figure 4a, item 404);

retrieving a plurality of data associated with the roaming customer based on the

USERID and password and authenticating the roaming customer using the retrieved

data (see column 5, line 63 - column 6, line 25; figure 4a, item 410);

dynamically adding an IP address assigned to the roaming customer to a plurality

of valid IP addresses associated with the ISP (see column 2, lines 34-56; column 4,

lines 30-54; figure 4b, item 426);

determining, at the email server, whether the customer is associated with a valid

IP address (see column 6, line 56 - column 7, lines 22); and

in response to determining that the customer is associated with a valid IP

address, logging the customer onto a mail server, wherein only the remote customer

may access the mail server using the assigned IP address from the remote server (see

column 6, lines 36-55; column 4, lines 46-58). Note that the prevention of unauthorized

access to e-mail (column 4, lines 46-48) includes sufficient structure for blocking

unsolicited e-mail transmitted to the mail server. The specific intended use of the claim,

blocking unsolicited e-mail, has thus not been given patentable weight.

Clark fails to teach a method that receives SMTP traffic from the customer.

However, SMTP was well known in the art at the time of applicant's invention, a specific

factual finding is found in Donaldson (see column 2, lines 3-61) wherein the common use of SMTP is explained.

Regarding claim 2, Clark and Donaldson substantially teach claim 1 above, Clark further discloses receiving the USERID and password associated with the roaming customer to an authentication server and comparing the USERID and password against registered users of the ISP (see column 6, lines 16-25; figure 5); generating a positive response if the USERID and password match a registered user, and a negative response if the USERID and password do not match a registered customer (see column 6, lines 26-43); and receiving a START record indicating the beginning of the roaming customer's access to the mail server (see column 6, lines 44-55).

Regarding claims 6, 7, and 20, Clark and Donaldson substantially teach claim 1 and Clark further discloses logging off the remote customer by receiving a termination signal, transmitting the customer's USERID to the remote server, and receiving a STOP record that identifies the customer (see column 7, lines 23-34).

Regarding claims 9,10,11,15,16,17, 21, 22, and 23, Clark discloses a method of logging on a customer to an ISP comprising:

receiving a user command through an Internet device (see column 5, line 53 - column 6, line 25), authenticating the user through a USERID and password (see column 5, line 63 - column 6, line 25; figure 4a, item 410), generating a positive or

negative response depending if the customer is a registered user of the ISP (see

column 6, lines 26-43), storing a data log of the customer's usage (see column 6, lines

44-55), connecting the roaming customer to the mail server using the IP address of the

NAS (see column 4, lines 46-58), removing the IP address upon logging off (see column

7, lines 22-34).

Clark fails to teach a method that receives SMTP traffic from the customer.

However, SMTP was well known in the art at the time of applicant's invention, a specific

factual finding is found in Donaldson (see column 2, lines 3-61) wherein the common

use of SMTP is explained.


Regarding claims 13 and 14, Clark and Donaldson substantially teach a method

as applied to claim 9, Clark further discloses data organized similar to TACACS and a

USERID (see column 6, lines 3-16).


Regarding claim 25, Clark and Donaldson substantially teach a method as

applied to claim 15 above and Clark further discloses forwarding the data log to the

ISP's server (see column 6, lines 44-55).


Regarding claims 26 and 27, Clark and Donaldson substantially teach the

method as applied to claim 15 above and Clark further discloses assigning an IP

address to the roaming customer to access the mail server, and to a list of valid IP

addresses from the NAS (see column 4, lines 46-64; column 6, lines 3665).

Regarding claims 4 and 5, although Clark discloses reading a START record, RELAY, and validating the IP address against the pool of valid IP addresses (see column 6, line 56 - column 7, lines 22), they do not disclose the request to send e-mail using the SMTP protocol or a timestamp when the IP address is dynamically added to the pool. However, the use of SMTP and timestamps was well known in the art at the time of the invention. Exemplary of this is Donaldson who discloses the use of SMTP, which is disclosed to include a timestamp (see column 2, lines 3-61; column 4, lines 24-34).

It would have been obvious to one of ordinary skill in the art at the time of the invention to initiate an SMTP request to send e-mail from an e-mail application server to provide the customer with a standard way of sending e-mail, and a timestamp to have an accurate and complete START record of the e-mail.

Regarding claim 8, Clark does not disclose determining if the customer sent unauthorized email messages, but Donaldson, in a similar field of endeavor, discloses determining if the customer sent unauthorized email messages after logging off, which is after only allowing authorized IP addresses to log on (see column 14, line 60 - column 15, line 2; column 33, lines 13-23). In light of the teachings of Donaldson, it would have been obvious to one of ordinary skill in the art to have checked for unauthorized messages after log-off to ensure that no unauthorized use has occurred.

5.      Claims 12,18, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al. in view of Donaldson, as established above, and further in view of Amin et al., U.S. Patent Number 6,854,014.


        Regarding claims 12,18, and 24, Clark and Donaldson substantially teach claim 9 above and Clark further discloses providing a record and log, It comprises an IP address, a protocol, a framed protocol, a user name, a called station ID and calling station ID, and account status type and account authentication, a service type, and relay to the mail server (see column 4, lines 46-64; column 6, lines 44-65). However, Clark and Donaldson do not specify an account session ID, and account delay time, and a start timestamp. Nevertheless, including these in a START record was well known in the art at the time of the invention.  Exemplary of this is Amin et al. who disclose, in a similar field of endeavor, a start record of authentication which includes, among other things, an account session ID, timestamp, account delay time, service type, authentication, and account status type (see column 19, lines 35-60; column 21, line 51- column 22, line 20). In light of the teachings of Amin et al. it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method of Clark and Donaldson to include these attributes to record relevant accounting information relating to the session.


### Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristin Derwich whose telephone number is 571-272-7958. The examiner can normally be reached on Monday - Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Kristin Derwich
Examiner
Art Unit 2132

KMD

GILBERTO BARRON JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100